

**Planning and Zoning Commission
Minutes of June 20, 2019**

Commissioners Present: Chairman Hal Lawler, Nick Barrera, Karen Wheeler-Hall, Christina Tschappat, Mark Follis, Lo Ann Martin, Richard Warren

Commissioners Absent: Commissioners Trey Kendrick and Jo Ann Pitzer

City Staff Present: Assistant City Attorney Clark Askins, Planning and Development Director Teresa Evans, City Planner Ian Clowes, Planning Technician Chase Stewart, City Engineer Lorenzo Wingate

1. CALL TO ORDER:

Chairman Lawler called the meeting to order at 6:01 p.m.

2. ROLL CALL OF MEMBERS:

Commissioners Trey Kendrick and Jo Ann Pitzer were absent for the meeting.

3. Consider Approval of Meeting Minutes:

a) May 16, 2019 Minutes

Motion by Commissioner Barrera to approve the proposed meeting minutes

Second by Commissioner Wheeler-Hall

Motion to approve carried

Ayes: Commissioners Barrera, Wheeler-Hall, Tschappat, Follis, Martin, Warren, and Chairman Lawler

Nays: None

Motion to approve passes, 7-0

4. Final Plat (6:58 pm): Consider approval of a Final Plat, #19-97000001, for Hawthorne at La Porte; a commercial tract consisting of one lot on 20 acres located on the east side of SH 146, north of Wharton Weems Blvd.

Motion by Commissioner Martin to approve the proposed Final Plat, Hawthorne at La Porte

Second by Commissioner Follis

Motion to approve carried

Ayes: Commissioners Barrera, Wheeler-Hall, Tschappat, Follis, Martin, Warren, and Chairman Lawler

Nays: None

Motion to approve passes, 7-0

5. Public Hearing (6:58pm): Open public hearing to receive input on an application for Special Conditional Use Permit (SCUP) #19-91000004, a request of Jeff Davis, applicant; on behalf of Port of Houston Authority of Harris County, Texas, owner; to amend an existing SCUP allowing for a Pre-Check Truck Gate on a tract of land legally described as Reserve A, Block 1, Port of Houston Authority.

a) **Staff Presentation:** City Planner, Ian Clowes, presented the 6 amendments to the original SCUP for the Port of Houston Pre-Check facility to allow for a full-scale redevelopment of the site. The highlights are as follows:

- Condition #3 – “Comply with the General Plan”: Alterations to the general plan because it’s a full redevelopment of the site to allow for a larger truck queue on site, rather than on public right of way (Barbour’s Cut)
- Condition #4 – 30% of property is landscaping/screening: The request is to consider the wet/dry detention ponds as part of the required landscaping coverage
- Condition #5 – Further utilization of wet/dry ponds and native grasses to count towards landscaping requirements
- Condition #8 – Since the proposed redevelopment only has a small security guard structure, there shouldn’t be an architectural guideline to meet

Staff has a recommendation of approval for the proposed SCUP changes

b) **Applicant Presentation:** The applicant was not present for the meeting.

c) **Public Comments:**

Thomas Garza – 623 S 6th St. – Questions why restrictions are being prioritized/not prioritized. Additionally urges commission members to vote their conscious

Chuck Rosa – 812 S Virginia – Stated that it’s a conflict of interest to allow City Council members, like the commenter before, comment on a planning and zoning commission item

Mark Balboa -201 N Nugent – Raised concerns with changes in lighting from the site.

d) **Question and Answer:** Chairman Lawler has questions regarding about the number of trees that are projected to be lost due to this redevelopment.

Motion by Commissioner Barrera to approve the proposed Special Conditional Use Permit (SCUP) #19-91000004 as presented.

Second by Commissioner Wheeler-Hall

Motion to approve carried

Ayes: Commissioners Barrera, Wheeler-Hall, Tschappat, Follis, Martin, Warren, and Chairman Lawler

Nays: None

Motion to approve passes, 7-0

- 6. Public Hearing (7:26pm):** Open public hearing to receive input on an application for Special Conditional Use Permit (SCUP) #19-91000005, a request of Paul Grohman of Gromax Development, applicant; on behalf of CSBP Land Investments, LP, owner; for an amendment to a SCUP allowing for additional senior living units on a 9 acre tract of land legally described as Reserve C, Block 1, Bay Area 28 Subdivision

- a) **Staff Presentation:** City Planner, Ian Clowes, presented the SCUP amendment as an increase in the number of rooms allotted for a senior care facility from 100 rooms to up to 240 units on the site. It's part of the Morgan's Landing development, located on Bay Area Blvd. The increase in allowable units is the only alteration to the previously approved SCUP that is requested by the applicant. Staff has a recommendation of approval for this SCUP amendment.
- b) **Applicant Presentation:** Paul Grohman – 4201 W Broadway, Pearland TX – Approaches the commission stating that after further research into the property, there is an opportunity to have a higher density of units on the site, without negatively impacting the area.
- c) **Public Comments:** N/A
- d) **Question and Answer:** N/A

Motion by Commissioner Warren to approve the proposed Special Conditional Use Permit (SCUP) #19-91000005

Second by Commissioner Follis

Motion to approve carried

Ayes: Commissioners Barrera, Wheeler-Hall, Tschappat, Follis, Martin, Warren, and Chairman Lawler

Nays: None

Motion to approve passes, 7-0

- 7. Public Hearing (7:44pm):** Open public hearing to receive input on an application for Zone Change #19-92000002, a request by Justin E. Bennet of Phelan-Bennett Development, applicant; on behalf of Carrington F. Weems, owner; for approval of a zone change from General Commercial (GC) to Planned Unit Development (PUD), on a 5.051 acre tract of land located at the northeast corner of S. 16th St. and the W. M St. right of way, and legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 1143, La Porte Subdivision.

- a) **Staff Presentation:** City Planner, Ian Clowes, presented a zone change from General Commercial (GC) to Planned Unit Development (PUD),

request by Justin E. Bennet. An adjacent developer returned a letter of objection to the zone change.

- b) **Applicant Presentation:** Justin E. Bennet - 1403 Maryland St., Houston TX – Explained the proposed development and how this submittal is different from the previous submittal to the Planning and Zoning Commission. A reduction in the number of overhead doors is the main selling point to quell truck traffic in the area. Additionally, there would be a limit of 100,000 square feet of structure, which would further hinder the type of uses for the property.
- c) **Public Comments:**
Chuck Rosa – 812 S Virginia St. – Offers support for the proposal because of the nature of the area promoting truck traffic, regardless if this development happens or not.
- d) **Question and Answer:** Commissioners Follis and Martin mentioned that the surrounding area and uses promote truck traffic, regardless if this use was introduced to the area.

Motion by Commissioner Tschappat to deny the proposed Zone Change #19-92000002

Second by Commissioner Martin

Motion to deny carried

Ayes: Commissioners Tschappat, Follis, and Martin

Nays: Commissioners Barrera, Wheeler-Hall, Warren, and Chairman Lawler

Motion to deny fails, 3-4

Motion by Commissioner Barrera to approve the proposed Zone Change #19-92000002

Second by Commissioner Warren

Motion to approve carried

Ayes: Commissioners Barrera, Wheeler-Hall, Warren, and Chairman Lawler

Nays: Commissioners Tschappat, Follis, and Martin

Motion to approve passes, 4-3

8. **Future Land Use Map Amendment (8:24pm):** Consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 5.051 acre tract of land located at the northeast corner of S. 16th St. and W. M St., and legally described as

Lots 1-32, Block 1144, and Lots 1-32, Block 1143, La Porte Subdivision, from "Commercial" to "Light Industrial"

- a) **Staff Presentation:** City Planner, Ian Clowes, presented to the commission a Future Land Use Map change from "Commercial" to "Light Industrial"
- b) **Applicant Presentation:** N/A
- c) **Public Comments:** N/A
- d) **Question and Answer:** N/A

Motion by Commissioner Warren for amendment of Future Land Use Map to La Porte City Council

Second by Commissioner Barrera

Motion to approve carried

Ayes: Commissioners Barrera, Wheeler-Hall, Warren, and Chairman Lawler

Nays: Commissioners Tschappat, Follis, and Martin

Motion to approve passes, 4-3

9. **Public Hearing (8:26pm):** Open public hearing to receive input on an application for a Special Conditional Use Permit (SCUP) #19-91000003, a request by Justin E. Bennet of Phelan-Bennett Development, applicant; on behalf of Carrington F. Weems, owner; to allow for an industrial office/warehouse facility, to locate on a 5.051 acre tract of land located at the northeast corner of S. 16th St. and the W. M St. right of way, and legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 1143, La Porte Subdivision.

- a) **Staff Presentation:** City Planner, Ian Clowes, presented a SCUP request by Justin E. Bennet to allow for development on a Planned Unit Development (PUD) zoned property. The proposed development would be an industrial building with a limited number of cargo bay doors (7 total). Conditions include: All uses allowed in Business Industrial (BI) and Light Industrial (LI), except for those uses that are required to be adjacent to a high frequency truck route. Additionally, uses that encompass shipping/tank containers, outside storage of raw materials, and stacking of containers would not be permitted. Screening will be implemented on site. At this time, Tier 2 façade materials would be implemented on-site. Site will be "dust-free" and will have on-site detention as required by the code of ordinances.

There was 1 letter of opposition that was received by staff and it was the same resident as the zone change opposition letter author.

- b) **Applicant Presentation:** N/A
- c) **Public Comments:** N/A
- d) **Question and Answer:** Commissioner Barrera raised concerns on approval of this SCUP request and its contingency on the closure of adjacent Right of Way.

Motion by Commissioner Barrera to approve the proposed SCUP #19-91000003

Second by Commissioner Warren

Motion to approve carried

Ayes: Commissioners Barrera, Wheeler-Hall, Warren, and Chairman Lawler

Nays: Commissioners Tschappat, Follis, and Martin

Motion to approve passes, 4-3

10. Resolution (Voted to be moved to the beginning of the meeting as item 4, (6:02pm)):

Discussion and possible action on a Planning and Zoning Commission recommendation to the City Council to utilize two areas of undeveloped public right of way located on portions of S. Lobit St. and Jefferson St., fronting Galveston Bay, for park/recreation purposes.

Staff Presentation: City Planner, Ian Clowes, provided background on both undeveloped portions of Right of Way (ROW) in question (S. Lobit St. & Jefferson St.) as well as the projected cost to maintain each area if developed into a park/recreation area. City Engineer, Lorenzo Wingate, addressed the commission with information about planned roadway and cul-de-sac improvements to this section of Jefferson St. by the City of La Porte.

Public Comments:

- JB Williamson – 820 W. Main St, Suite B - An attorney acting on behalf of an adjacent property owner, spoke in opposition of turning the ROW into park/recreation areas
- Vicki Campisi – 1902 Roscoe St. – Spoke in opposition of turning the ROW into park/recreation areas

- Jack Mace – 212 Jefferson St. – Spoke in opposition of turning the ROW into park/recreation areas
- Patricia Stevens – 740 S Lobit St. – Spoke in opposition of turning the ROW into park/recreation areas
- Lawn Hill – 740 S Lobit St. – Spoke in opposition of turning the ROW into park/recreation areas
- Mike Vance – 755 E Lobit St. – Spoke in opposition of turning the ROW into park/recreation areas
- Michael Fisco – 1918 Roscoe St. – Spoke in opposition of turning the ROW into park/recreation areas
- Mark Vennable – 201 N Nugent – Spoke in opposition of turning the ROW into park/recreation areas

Motion by Commissioner Follis to table recommendation to City Council for utilization of two areas of undeveloped public right of way for park/recreation purposes

Second None

Motion table fails due to lack of second

Motion by Commissioner Warren to deny the proposed recommendation to City Council for utilization of two areas of undeveloped public right of way for park/recreation purposes

Second by Commissioner Tschappat

Motion to deny carried

Ayes: Commissioners Barrera, Wheeler-Hall, Tschappat, Follis, Martin, Warren, and Chairman Lawler

Nays: None

Motion to deny passes, 7-0

11. Discussion:

- a) A request by a developer to extend the high frequency truck route to a portion of W. M St. and W. E St.
 - The commission was in favor of W. M St. being added to the high frequency truck route, but not W. E St. The commission recommended staff look for alternative solutions to the W. E St.
- b) Changes to the city code of ordinances to allow items to be denied with prejudice by either the Planning and Zoning Commission or City Council

- Members of the commission were in favor of amending the city code of ordinances to allow for items to be denied with prejudice.

12. Administrative Reports (9:04pm):

13. Commission Comments (9:06pm): No comments from the commission

14. Adjourn (9:06pm):

Motion by Commissioner Warren to adjourn

Second by Commissioner Barrera

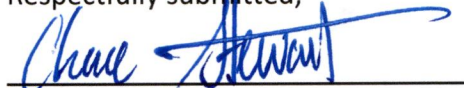
Motion to adjourn carried

Ayes: Commissioners Barrera, Wheeler-Hall, Tschappat, Follis, Martin, Warren, and Chairman Lawler

Nays: None

Motion to adjourn passes, 7-0

Respectfully submitted,



Chase Stewart

Planning Technician

Passed and Approved on August 15th, 2019.



Hal Lawler

Chairman, Planning and Zoning Commission

Trey Kendrick

Secretary, Planning and Zoning Commission